

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)
IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION)
) Civil Action No. 01-12257-PBS
)
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO)
01-CV-12257-PBS AND 01-CV-339)
)

**DECLARATION OF ERIC P. CHRISTOFFERSON CONCERNING
REDACTIONS TO THE SCHERING-PLough GROUP'S INDIVIDUAL
SUR-REPLY IN OPPOSITION TO CLASS CERTIFICATION**

I, Eric P. Christofferson, declare as follows:

1. I am an associate at Ropes & Gray LLP, attorneys for Defendants Schering-Plough Corporation and Warrick Pharmaceuticals Corporation in the above-captioned case.
2. I submit this declaration in connection with certain redactions made to the publicly filed version of the Schering-Plough Group's Individual Sur-Reply in Opposition to Class Certification.
3. Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "Protective Order") and in accordance with agreements reached with counsel, various non-party witnesses have designated certain documents, testimony, and other information produced in this litigation as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL". The Schering-Plough Group's Individual Sur-Reply in Opposition to Class Certification incorporates -- directly or indirectly -- information that has been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL". Pursuant to paragraph 15 of the Protective Order, any document or pleading containing quotes from, or otherwise referencing, such information shall be filed under seal.

4. On January 21, 2005, the Track 1 Defendants moved this Court for leave to file, *inter alia*, the Schering-Plough Group's Individual Memorandum in Opposition to Class Certification under seal. The Court allowed this motion on January 27, 2005, but ordered Schering-Plough to "file public redacted versions within 10 days."

5. Pursuant to this Court's Order, information that has been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" by non-party witnesses has been redacted from the Schering-Plough Group's Individual Memorandum in Opposition to Class Certification, and this redacted version is being filed publicly and concomitantly with this Declaration. The redactions, which are indicated by the legend "CONFIDENTIAL INFORMATION REDACTED," contain information that the non-party witnesses have indicated is highly proprietary in nature. Based on the representations of these non-parties, we have redacted the designated information in good faith and for good cause shown.

6. The redactions made to the Schering-Plough Group's Individual Memorandum in Opposition to Class Certification all involve confidential information and testimony provided by non-parties.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Eric P. Christofferson
Eric P. Christofferson

Dated: February 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2005, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456

/s/ Eric P. Christofferson
Eric P. Christofferson